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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,992

08/26/2005

Junji Kato

SONYJP 3.3-374

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530 7590 09/07/2007
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EXAMINER

MIZRAHI, DIANE D

ART UNIT

PAPER NUMBER

2165

MAIL DATE

DELIVERY MODE

09/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,992

Applicant(s)

KATO, JUNJI

Examiner

Diane Mizrahi

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DIANE MIZRAHI
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 13-16 are presented for examination.

Request for Continued Examination

This is in response to request for amendments filed August 18, 2007 Continued Examination Under 37 CFR 1.114. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 18, 2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated Brent R. Smith et al. (US Patent No. 20020010625 A1 and Smith hereinafter).

Regarding Claim 13, Smith teaches a data processing apparatus for recommending content to a user; comprising: receiving means for receiving favorite content lists [0014] via a

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network from a plurality of user terminal devices including the user terminal device corresponding to the user (i.e. wireless devices) [0044] ; a specifying portion for extracting and specifying generating a content list [0166][0148] by comparing content listed [0058] in the received favorite content lists [0127] ; a recommendation list generation portion [0085]-[0090] for assigning points and ranking content in the specified generated content list and generating a recommendation content list [0052][0058] specific to the user based on the ranked content [0117] and not including excepting the content of the user's favorite content list [0066]-[0068]; and transmitting means for transmitting the recommendation content list to the user terminal device corresponding to the user [0050][0060].

Regarding Claim 14, Smith teaches a method of recommending content to a user; comprising ...receiving favorite content lists via a network from a plurality of user terminal devices including the user terminal device corresponding to the user [0096][0166]; extracting and generating a content list by comparing content listed in the received favorite content lists; assigning points and ranking content in the generated content list[0096][0166]; generating a recommendation content list specific to the user based on the ranked content and excepting not including the content of the user's favorite content list [0148]; and transmitting the recommendation content list [0050][0060] to the user terminal device corresponding to the user [0117][0148].

Regarding Claim 15, the rejection of claims above respectively, are fully incorporated and are similarly rejected along the same rationale. In addition, Smith teaches a network (i.e. reads on the Internet) [0061][0120].

Regarding Claim 16, the rejection of claims above respectively, are fully incorporated and are similarly rejected along the same rationale. In addition, Smith teaches a network (i.e. reads on the Internet) [0061][0120].

Regarding Applicant's comment that Smith does not teach the claimed, "favorite content lists", "from a plurality of user terminal devices" and "request for a recommendation content list". Examiner fully disagrees. Smith teaches the claimed, "favorite content lists" [0096][0166], "from a plurality of user terminal devices" [0061][0120] and "request for a recommendation content list" [0085]-[0090] see also, [0052][0058].

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Therefore, in view of the above, the pending claims 13-16, are not allowable over the prior art made of record.

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom, positioned above the printed name.

Diane Mizrahi
Diane.Mizrahi@USPTO.gov
Primary Patent Examiner
Technology Center 2100

Sept 1, 2007